
Interstate 5 South Everett Park-and-Ride Lot and HOV Access Project

Finding of No Significant Impact (FONSI)

March 2006

Issuing Agency

Federal Highway Administration
Federal Transit Administration

Prepared in compliance with the National Environmental Policy Act (NEPA-42 USC 4321) and Council on Environmental Quality (40 CFR parts 1500-1508) and related amendments and Executive Orders.



U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration



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Everett, Snohomish County, Washington

Finding of No Significant Impact

By the

U.S. Department of Transportation

Federal Highway Administration

Federal Transit Administration

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) has determined, in accordance with 23 CFR 771.121, that the proposed project will have no significant adverse impacts on the built and natural environment.

This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (issued in October 2005 and incorporated by reference) and other documents and attachments as itemized in this FONSI. These documents have been independently evaluated by the FHWA and the FTA, and determined to accurately discuss the project's purpose, need, and environmental issues, impacts of the proposed project, and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

Date _____

R. F. Krochalis
Regional Administrator
Federal Transit Administration

Date _____

Donald A. Petersen
Safety/Design Engineer
Federal Highway Administration, Washington Division

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FEDERAL HIGHWAY ADMINISTRATION
FEDERAL TRANSIT ADMINISTRATION
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Finding of No Significant Impact

I-5 South Everett Park-and-Ride Lot and HOV Access Project
Sound Transit
Everett, Snohomish County, Washington

Proposed Project

The Central Puget Sound Regional Transit Authority (Sound Transit) proposes to improve regional transit service in the south Everett area of south Snohomish County at Interstate 5 (I-5) and 112th Street S.E. The improvements, collectively referred to as the South Everett Project, include integration of a new park-and-ride lot within the median of I-5, with high occupancy vehicle (HOV) access ramps between the inside I-5 HOV lanes and the park-and-ride lot for northbound and southbound access, and an access road for all traffic from 112th Street S.E. These improvements are intended to:

- Improve speed and reliability of transit with minimal impact to general-purpose lanes
- Address park-and-ride facility needs
- Meet operational, accessibility, and safety requirements
- Encourage carpools, vanpools, and non-motorized travel

With the exception of the 112th Street S.E. bridges and improvements to the I-5 northbound travel lanes, the South Everett Project is entirely funded through *Sound Move*. Widening the 112th Street S.E. bridges will be a joint effort between Sound Transit and the City of Everett, and improvements to the I-5 northbound travel lanes will be funded by the Washington State Department of Transportation (WSDOT).

The primary project components for the Build Alternative are:

- Construct a park-and-ride lot with approximately 400 parking stalls and flyer stops within the I-5 median just north of the 112th Street S.E. bridges.
- Construct HOV access ramps from the inside I-5 HOV lanes.
- Implement measures to deter the weave between the northbound I-5 HOV lane and the SR 526 off-ramp. These measures will include signing and a special 4-foot-wide striping design between the I-5 HOV lane and the adjacent mainline through lanes.

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- Extend the northbound I-5 HOV lane designation to just north of SR 526 where it will continue as part of the I-5 Everett HOV Design/Build project north to US 2.
- Install new illumination, drainage facilities, and landscaping.
- Use retaining walls to minimize side slopes and impacts to sensitive areas.
- Replace the existing 2-lane 112th Street S.E. and widen it to five lanes. The improvements to 112th Street S.E. include replacing the existing bridges over I-5, 6-foot sidewalks with curb and gutter on both sides, and 5-foot bicycle lanes on both sides. . There will be two 11 foot wide through-lanes in each direction and a 12-foot left-turn lane.
- Construct an access road for all traffic (between 112th Street S.E. and the park-and-ride lot in the I-5 median to the north).

Agency Coordination and Public Opportunity to Comment

A Project Management Team (PMT) was established to guide and review project work. The PMT includes representatives from Sound Transit, WSDOT, Community Transit, Everett Transit, Snohomish County, the City of Everett, and the Entranco consultant team with Rosewater Engineering and Pacific Rim Resources. The PMT has been active in the alternative screening analysis and in evaluation of conceptual designs. The PMT recommendations are reviewed and discussed with the Executive Advisory Committee (EAC) to solicit their feedback.

Sound Transit partner agencies participated in a project kick-off and chartering session in September 1999 for the South Everett Project. A common mission statement was drafted and signed at the conclusion of the meeting and a set of goals for the project was drafted for further refinement by the PMT. The session afforded project team members and agency staff the opportunity to meet one another and to become more familiar with the project history and scope, as well as related projects in the area.

Sound Transit prepared a package describing the project, its purpose and need, environmental process and identified issues, and the project screening and evaluation. This package was sent to various area agencies and PMT members requesting input on the project as part of the agency scoping process. Letters were received from several entities including the City of Everett, Snohomish County Public Utility District No. 1, Snohomish County Public Works Department, Washington State Patrol, Puget Sound Energy, and the PSRC. Concerns raised in the letters were considered and incorporated into the project.

Sound Transit held two open houses to provide information and solicit comments about the proposed South Everett Project. More than 12,000 people received the first project newsletter inviting them to attend the first open house in January 2000 and the second newsletter summarizing the results of the first open house in January 2000. The newsletters were mailed to key stakeholders, including: elected officials, businesses, and households in the project area with an emphasis on those residents nearest I-5. Fifty-nine people attended the open house. A question and comment form was distributed during the open house. In all, ten comment forms were received, seven at the open house and three arrived later by mail. More than 11,000 people

received the updated project newsletter inviting them to the second open house in August 2004; 35 citizens attended. They were encouraged to complete a comment form and discuss their observations and thoughts with staff from the City of Everett, Everett Transit, WSDOT, Sound Transit and the project consultants. Concerns and comments from these meetings were considered and incorporated into the project. A total of 3 newsletters have been issued to keep the public informed of the project's progress.

A public hearing on the Environmental Assessment (EA) was held on November 1, 2005 at Everett Station. The hearing was advertised in the Seattle Times and Everett Herald on October 12, 2005 and in El Mundo, a Spanish-language newspaper, on October 13, 2005. Information regarding the hearing was also posted on the Sound Transit and the WSDOT websites. Copies of the Notice of Availability (NOA) were mailed to Federal, State and Local Agencies, Tribes, Transit Agencies, and others who had a potential interest in the proposed project. Twenty people attended the hearing. Opportunity to provide public testimony was offered through a court reporter at the public hearing but no public testimony was given. The public hearing transcript is provided in Appendix A.

Tribal Coordination

Under the programmatic agreement, consultation with area tribes is not required. However, because the area is part of the usual and accustomed use areas for the Tulalip and Stillaguamish tribes, WSDOT initiated formal Section 106 Consultation with the tribes. Both tribes were sent letters inviting them to participate in the cultural resources study portion of this project as a consulting party. The letters were followed up by personal contact over the telephone and both tribes expressed interest in being involved in the process. Following the cultural resources survey, the report was shared with the tribes. Neither tribe provided any comments on the report. See also Section 106 Consultation under Determinations and Findings.

Comments on the EA

Sound Transit received 2 written and 2 e-mail comments in response to the EA. Responses were prepared to address the written comments and are included as Appendix B of the FONSI.

The issues noted in the comments include the following:

- Concern regarding the impact to the existing vegetation and tree cover related to construction of the proposed improvements
- The noise analysis and findings
- The proposed lighting within the facility
- A potential public art element for the project

Mitigation Measures to Minimize Harm

Appendix C describes the mitigation measures that are required of Sound Transit as conditions of this FONSI. These mitigation commitments are based on the potential mitigation measures

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identified in the EA, the Biological Assessment (BA) and ESA consultation, and permits that have been issued to date. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) find that with the accomplishment of these mitigation commitments, Sound Transit will have taken all reasonable, prudent, and feasible means to avoid or minimize impacts from the proposed action.

Determinations and Findings

National Environmental Policy Act (NEPA) Finding

FHWA served as lead agency under NEPA for the project. Sound Transit, assisted by WSDOT, prepared an EA in compliance with NEPA, 42 USC Section 4321 et. seq., and with FHWA's regulations, 23 CFR Part 771. The EA discusses the potential impacts of the project so that FHWA can determine whether significant adverse impacts (CEQ 1508.27) are probable. If such a determination were made, an Environmental Impact Statement would need to be prepared.

Sound Transit has incorporated environmental considerations into its study of the project's Build Alternative and has evaluated the project's potential environmental impacts. FHWA, WSDOT, and the City of Everett have reviewed preliminary versions of the EA. The EA was issued in October 2005. The EA found that the project's construction and operation will not cause any significant adverse environmental effects that will not be mitigated. This finding applies to all applicable environmental elements, including Land Use, Transportation, Social Resources, Biological Resources, Water Resources, Noise, Air Quality, Archaeological and Cultural Resources, Visual Quality, Geology and Soils, Public Services and Utilities, and Hazardous Materials.

Subsequent to the issuance of the EA, FTA independently reviewed the EA and concurs that the EA was prepared in compliance with NEPA and consistent with 23 CFR Part 771 and related amendments and Executive Orders.

After carefully considering the EA, its supporting documents, and the public comments and responses, FHWA and FTA find under 23 CFR 771.121 that the proposed project, with the mitigation to which Sound Transit has committed, will have no significant adverse impacts on the environment. The record provides sufficient evidence and analysis for determining that an EIS is not required.

Section 106 Compliance

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in, or eligible for inclusion in, the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer (SHPO) and potentially affected Tribes to make this determination. The Advisory Council on Historic Preservation (ACHP) has established procedures for the protection of historic and cultural properties in, or eligible for, the National Register (36 CFR Part 800).

Archaeological and Historical Services, Eastern Washington University was contracted by WSDOT to conduct a site files search at the Washington State Office of Archaeology and Historic Preservation (OAHP) in Olympia, perform a cultural resources survey of the project area, and submit a report documenting the results. Based on reviewing past studies in the area and applicable maps, ethnographies, histories, and archaeological documents, the study did not uncover any National Register-listed or -eligible cultural resources within the project area. In addition to the archival review, tribal consultation and field surveys also identified no evidence of cultural resources within the project site.

In addition to coordination with the Tulalip and Stillaguamish Tribes, WSDOT initiated coordination and consultation with the Washington State Office of Archaeology and Historic Preservation (OAHP) under Section 106 of the NHPA. WSDOT sent a letter to SHPO that included a finding of "no effect" to historic and cultural resources as a result of the proposed project. SHPO concurred with this finding in a letter sent to WSDOT in March 2002. None of the tribes expressed any concerns about cultural resources in the project area.

Based on the cultural resources analysis and coordination with the Tribes and SHPO, **FHWA and FTA find that the project will have no effect on any identified or likely cultural or historic resources, and that the Section 106 coordination requirements for this project have been fulfilled.**

Section 4(f) Findings

Section 4(f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. 303, declares a national policy that a special effort should be made to preserve the natural beauty of the countryside, public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation may not approve transportation projects that require the use of land from a significant publicly owned park, recreation, area, wildlife or waterfowl refuge, or any significant historic site unless a determination is made that (i) there is no feasible and prudent alternative to the use of the land; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR 771.135).

The Interurban Trail is a publicly owned trail of local significance and therefore is considered a Section 4(f) resource. However, Section 4(f) only needs to be addressed if the project resulted in a "use" of the trail. A "use" occurs: 1) when land from a Section 4(f) resource is acquired for a transportation project; 2) when there is an occupancy of land that is adverse in terms of the statute's preservationist purposes; or 3) when the proximity impacts of the transportation project on the Section 4(f) resource, without acquisition of land, are so great that the purposes for which the Section 4(f) site exists are substantially impaired (normally referred to as "constructive use").

The project will result in a temporary detour of the Interurban Trail; however, it was determined that Section 4(f) will not apply because the detour will be a minor, temporary impact, there will be no interference with the activity or purposes of the trail, and the land will be fully restored following construction. This impact will constitute "temporary occupancy" under Section 4(f) regulations (23 CFR 771.135). As a result, there will be no "use" under Section 4(f) and a Section 4(f) Evaluation will not be required. Sound Transit and WSDOT will develop a detour route and plan in coordination with the City of Everett.

FHWA and FTA find that the proposed project will not use or significantly impact any park or recreational resources protected by Section 4(f) of the USDOT Act of 1966.

Endangered Species Act Findings

The Endangered Species Act of 1973 (ESA), as amended, is intended to protect threatened and endangered species and the ecosystems on which they depend. The ESA requires a federal agency to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in direct mortality or destruction or adverse modification of critical habitat of listed species. This requirement is fulfilled under Section 7 of the ESA by review of the proposed actions and consultation with the appropriate agency responsible for the conservation of the affected species. If necessary, mitigation will be required to avoid jeopardizing listed species or their habitat.

WSDOT agreed to serve as the lead for the ESA Section 7 consultation on behalf of FHWA pursuant to 50 CFR 402.07. WSDOT and Sound Transit contacted the NOAA National Marine Fisheries Service (NOAA Fisheries Service) and the U.S. Fish and Wildlife Service (USFWS), the agencies responsible for administering ESA, early in the project. According to information provided by NOAA Fisheries Service, the project would occur within the general range of Puget Sound chinook salmon and coho salmon. A Biological Assessment (BA) was prepared that included chinook and coho salmon and submitted to NOAA Fisheries Service in June 2002. The BA concluded that the project was not likely to adversely affect Puget Sound chinook salmon (*Oncorhynchus tshawytscha*), a listed species. NOAA Fisheries Service concurred with the conclusion that chinook salmon would not be adversely affected in a letter to the WSDOT dated October 29, 2002. The concurrence was based on elements included in the project design such as absence of chinook near the project site, adoption of treatment requirements for stormwater, and best management practices for construction.. **The BA concludes, and FHWA and FTA concur, that the project “may affect, but is not likely to adversely affect” Puget Sound chinook salmon.**

Per information provided by USFWS in response to initial species presence requests, bull trout (*Salvelinus confluentus*) may be present in the project area. A BA was prepared for coastal and Puget Sound bull trout and bald eagles and submitted to USFWS in June 2002. The BA concluded that the project is not likely to adversely affect bull trout. The USFWS concurred with that conclusion in a letter to WSDOT that was received on April 11, 2003. **The BA concludes, and FHWA and FTA concur, that the project “may affect, but is not likely to adversely affect” bull trout and that the project will have “no effect” on bald eagles.**

There are no critical habitat listings in the project area.

Appendix D includes the letters of concurrence from NOAA Fisheries Service and USFWS.

Magnuson-Stevens Act Finding

The project will not adversely affect Essential Fish Habitat (EFH) as designated by the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The proposed project area includes habitat that has been designated as EFH for various life stages of chinook and coho

salmon. NOAA Fisheries Service determined that the proposed action may adversely affect the EFH of coho salmon in the upper reaches of North Creek and Silver Lake/Penny Creek watersheds by reducing ground water recharge that may further reduce the already impaired baseflows of North Creek and Penny Creek where coho salmon occur.

The NOAA Fisheries Service letter to WSDOT dated October 29, 2002 completed the consultation under ESA and MSA. NOAA Fisheries Service concluded that following conservation recommendations pursuant to MSA (§305(b)(4)(a)) are recommended: WSDOT and Sound Transit should seek opportunities to lessen the adverse effect of reduced stream baseflow from the removal of forest cover and the addition of impervious surfaces in the North Creek and Silver Lake/Penny Creek watersheds. Such opportunities include incorporating low impact development technologies, where feasible, to facilitate on-site infiltration and reduce the volume of stormwater generated. WSDOT responded to these recommendations in their letter to NOAA Fisheries Service of December 12, 2002 (see Appendix D). This concluded compliance with EFH under the Magnuson-Stevens Act.

Conformity with Air Quality Plans

The Federal Clean Air Act (CAA) requires that transportation projects located in nonattainment and maintenance areas conform with the State Implementation Plan (SIP), the state's plan for meeting and maintaining compliance with the National Ambient Air Quality Standards (NAAQS). EPA regulations implement the CAA. As required by the CAA, the Washington State Department of Ecology and the Puget Sound Clean Air Agency (PSCAA), submitted both ozone and carbon monoxide (CO) SIPs to EPA for review, and the plans were approved.

Under Section 176 of the CAA (adopted by chapter 70.94 RCW of the Washington State Clean Air Act), the Puget Sound Regional Council (PSRC), as the responsible metropolitan planning organization, may not adopt, approve, or accept any transportation improvement projects that do not conform to the Washington SIPs.

Conformity with a SIP is defined as complying with the plan's purpose of reducing or eliminating the severity and number of violations of an ambient air quality standard and achieving expeditious attainment of such standards. The federal and state rules and regulations governing conformity are described in 40 CFR parts 51 and 93 and in WAC 174-420.

Sound Transit consulted with PSRC regarding conformance of the proposed project with existing transportation and air pollution control plans. The PSRC confirmed that the proposed project is located in the Puget Sound region's air quality maintenance area for both CO and ozone. The proposed project is included in the current Metropolitan Transportation Plan and Transportation Improvement Program (TIP). Both of these plans have been found to meet the conformity tests as identified by federal and state conformity regulations.

A site-specific air quality analysis that includes dispersion modeling may constitute a "project-level conformity review" as defined in clean air rules. For the South Everett Park-and-Ride Lot and HOV Access project, a site-specific analysis was performed. The analysis and conclusions are summarized in the following paragraph.

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The air quality analysis modeled four intersections: 112th Street S.E./SR 99, 112th Street S.E./Fourth Avenue W., 112th Street S.E./19th Avenue S.E., and 110th Street S.E./19th Avenue S.E. The intersections of 110th Street S.E./19th Avenue S.E. and 112th Street S.E./19th Avenue S.E. were modeled together due to their proximity. These intersections were analyzed for existing conditions (2000), year of opening (2004), design year (2025), and a new horizon year (2030). All four intersections will be below the NAAQS for CO of 9 ppm averaged over 8 hours and 35 ppm averaged over 1 hour. At the intersection of 112th Street and 19th Avenue SE, as stated in the Environmental Assessment (EA) the intersection configuration and/or operational parameters include signal timing changes that will enhance the intersection level of service. The City of Everett has agreed “to optimize the timing of traffic signals in the vicinity of the South Everett Freeway Station in a manner that minimizes queues and delays during peak travel periods” (letter of September 1, 2005 from the City of Everett to Sound Transit included in Appendix B: Agency Coordination of the EA)

Consequently, the model results indicate that the project would neither increase the frequency nor severity of any existing violation of the CO standard, nor create a new violation of CO standards. **At both the regional and “project” level, the project therefore conforms with the SIP and meets all requirements of the state and federal clean air acts.**

Farmland Findings

The current land use (freeway median) of the project site is transportation-related and no farming currently takes place. There would be no adverse impacts to agriculture lands caused by the project. The project would be consistent with the Farmlands Protection Policy Act (FPPA) of 1981 (7 USC 4201-4209) and other applicable state and federal farmlands protection policies, orders, and guidance.

Environmental Justice Findings

Executive Order 12898 provides that “each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations.” The Department of Transportation's Order to Address Environmental Justice in Minority Populations and Low-Income Populations similarly requires FHWA and FTA to explicitly consider human health and environmental effects related to transit projects that may have a disproportionately high and adverse effect on minority and low-income populations. It also requires them to implement procedures to provide “meaningful opportunities for public involvement” by members of these populations during project planning and development (DOT Order No. 5680.1).

The EA includes an environmental justice analysis in accordance with the Executive, the Department of Transportation, and FHWA and FTA orders. That analysis details the public involvement opportunities provided for the project. It further assesses whether the project would result in disproportionately high and adverse effects on minority or low-income populations, taking into account project effects and benefits. This analysis demonstrated that the construction and operation of the I-5 South Everett Park-and-Ride Lot and HOV Access Project will not

result in disproportionately high and adverse effects on minority or low-income populations. Based on this analysis, **FHWA and FTA find that the construction and operation of the South Everett Project will not have disproportionately high and adverse effects on low-income or minority populations.** The proposed project will likely have beneficial effects on these populations by providing convenient and affordable regional transportation opportunities.

Floodplain Findings

Pursuant to Executive Order 1198 (Floodplain Management), Sound Transit assessed floodplains within the 100-year floodplains and floodways defined by the Federal Emergency Agency (FEMA) and locations with reported flooding problems or within locally managed floodplains. Narrow 100-year floodplains occur around Silver Lake east of the project and around North Creek south of the project. No floodplain is located within the project area per the 1999 FEMA maps. The project will not result in adverse impacts to floodplains. **FHWA and FTA find that no adverse impacts to any 100-year floodplains or floodways will occur as a result of the proposed project.**

Wetlands Findings

The United States Department of Transportation seeks to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects (DOT Order 5660.1A). This is consistent with Executive Order 11990, requiring that new construction located in wetlands be avoided unless there is no practicable alternative to the construction and that the proposed action include all practicable measures to minimize harm to wetlands that may result from such construction.

Two wetlands (Wetland A complex and Wetland B) were confirmed using the methods in the Washington State Wetlands Identification and Delineation Manual (Ecology, 1997), a manual consistent with the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987). Both are riparian wetlands adjacent to Silver Lake Creek in the I-5 median south of 112th Street S.E. and have been affected by previous highway development in the area. No other wetland indicators were found within the project limits.

The Wetland A Complex is palustrine scrub-shrub dominated by field horsetail, trailing blackberry, and salmonberry. This wetland provides a limited habitat function because it is isolated from other habitat by the northbound and southbound lanes of I-5. Wetland B is a 676-square foot palustrine forested wetland dominated by red alder, creeping buttercup, and bentgrass. This wetland provides limited habitat because it is isolated from other habitat by the northbound and southbound lanes of I-5.

Direct impacts to these wetlands were avoided as a result of project design. Clearing and grading to construct the 112th Street S.E. bridges and northbound HOV access lane will remove portions of the existing vegetation, including portions of the Silver Lake Creek stream buffer and associated wetland buffers. Approximately 6,938 square feet of wetland and stream buffer will be removed. Mitigation for wetland and stream buffer impacts will occur in the same location as the impacts at a ratio of 1:1 or greater. **FHWA and FTA find that, with implementation of the mitigation described, the project meets the federal wetlands requirements.**

Transportation and Traffic Analysis: Access Point Decision Report

FHWA must approve added or revised access on the interstate system. The request for FHWA approval includes an Access Point Decision Report. The Access Point Decision Report (APDR) follows the FHWA policy (revised February 1998, 63 FR 7045) that outlines the eight policy requirements that must be addressed for each new access or access modification being considered. Submittals are made through WSDOT in a format that meets both WSDOT and FHWA requirements. New access also requires documentation as required by NEPA.

The APDR was first submitted to WSDOT in May 2001. The first formal submittal to FHWA is to the Washington Division Office, and that also occurred in May 2001. The APDR approval was received on July 28, 2005 contingent on the finding of no significant impact by FHWA and FTA.

Environmental Finding

Based on the Environmental Assessment and its associated supporting documents, the Federal Highway Administration and Federal Transit Administration find pursuant to 23 CFR 771.121 that there are no significant adverse impacts on the environment associated with the development and operation of the proposed Sound Transit I-5 South Everett Park-and-Ride Lot and HOV Access Project.